IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 12404 of 2005

Between:

R.Manjusha Kashyap D/o.Dr.R.Satya Prakasam
R/o.12-648, BLV Complex, Old Bus Stand,. Dharmavaram, Ananthapur District.

..... PETITIONER

AND

1. Govt. of A.P. rep by its Principal Secretary, Education Department, Secretariat, Hyderabad.
2. Govt. of A.P. rep by its Principal Secretary,Health, Medical and Family Welfare Dept.
   Secretariat, Hyderabad.
3. Zilla Sainik Welfare Govt. of A.P. Ananthapur.
4. Director, Sainik Welfare Govt. of A.P.Department Sainik Welfare, MJ Road, Nampally
   Hyderabad.
5. Kendriya Sainik Board, Govt. of India, Ministry of Defence, West Block IV Wing No.5.R.K. Puram New Delhi.
6. NTR University of Health Sciences, AP.Vijayawada rep by its Registrar.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction preferably a writ in the nature of writ of Mandamus, declaring the action of the 6th respondent in not including the priorities with regard to the children of ex-servicemen in its prospectus as per GO Ms.No.28 Education Department dt.2.2.1996 as being illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the 6th respondent to consider the candidature of the petitioner in terms of GO Ms.No.28 Education Department dt.2.2.1996.

Counsel for the Petitioner:MR.P.VENUGOPAL

Counsel for the Respondent No.: GP FOR EDUCATION

The Court made the following :

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 12404 OF 2005

ORDER:

1. This writ petition has been filed by R.Manjusha Kashyap with a prior to issue writ, order or direction preferably a writ in the nature of writ of mandamus declaring the action of the NTR University of Health Sciences, A.P. Vijayawada rep. by its Registrar-6th respondent in not including the priorities with regard to the children of ex-servicemen in its prospectus as per G.O.Ms.No.28 Education Department, dated 2-2-1996 as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently to direct the 6th respondent to consider the candidature of the petitioner in terms of G.O.Ms.No. 28, Education Department, dated 2-2-1996.

2. The writ petitioner appeared for Engineering Agricultural and Medical Common Entrance Test, 2005 (for short 'EAMCET'). She secured 21676 in medical stream. While applying for EAMCET, she claimed a seat under reservation category for the children of ex-servicemen. The petitioner claims that her father worked in the Indian Army and recipient of two commendation certificates from the Chief of the Army Staff-one in the year 1977 and another in the year 1980. Earlier the petitioner filed writ petitioner being W.P.No.1267 of 2004 contending that the commendation certificate do come under priority (3) under G.O.Ms.No. 192. The said writ petitioners ended in dismissal on the ground that the two certificates produced by the petitioner's father cannot be equated to commendation card. The petitioner carried the matter in appeal and the same is stated to be pending as W.A.No.1797 of 2004. In the present writ petition, the petitioner challenges the action of the NTR University of Health Sciences for non-inclusion of commendation certificate in the priority under the category of Army quota.

3. Heard the learned counsel for the petitioner and learned Standing counsel appearing for the 6th respondent-NTR university.

4. The learned counsel for the petitioner submits that though G.O.Ms.No. 28, dated 2-2-1996 relates to admission into Engineering colleges, the same is applicable to admissions to medical colleges also. He further submits that as per G.O.Ms.No.28, dated 2-2-1996, commendation card issued by Chief of Army has been included in the priority under Army quota and therefore, the same should have been indicated by the University in the prospectus regarding admission to medical colleges.

5. Whereas, it is submitted by the learned Standing Counsel appearing for the respondents that there are separate G.Os. dealing with the admissions to medical colleges, dental colleges and therefore, the writ petitioner who is seeking admission to the Medical college or dental college cannot claim benefit basing on G.Os governing admission in Engineering colleges. The Government of Andhra Pradesh framed rules with regard to admission in Government Professional Institutions (Regulation of Admissions into Under-Graduate Medical and Dental Professional Courses,) 2004. In exercising the powers under Sections 3 of the Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Act, 1983 (A.P. Act. No. 5 of 1983) rules are published on 2-7-2004. Rule 9(3) deals with reservation for Special categories. Priorities in respect of categories mentioned in Item No.A of Rule 9(3) are governed by the G.O.Ms.No.254, HM & FW (E) Department, dated 28th April, 1993 and subsequent amendments thereto. G.O.Ms.No.254 deals with admission of students into medical colleges and dental colleges. Clause 3 (iv) deals priority to the children of ex-servicemen. Subsequently, amendment came to be issued to G.O.Ms. 254 including another category i.e. “Armed Force Personnel” which came to be included as Item No.(xi) under category (3) in Special para 2 of the G.O.Ms.No.254. The G.O. on which the petitioner relied relates to admission to Engineering College for academic year 1996-97. Since the petitioner seeks admission in medical colleges, she cannot claim any benefit by placing reliance under G.O.Ms.No.28, dated 2-2-1996.

6. Therefore, the writ petition is devoid of merits and accordingly, the writ petition is dismissed. No order as to costs.

B.Seshasayana Reddy,J

25th July, 2005.

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THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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W.P.No. 12404 OF 2005

25th July, 2005.